

Pesticide/Asbestos Programs and Enforcement Branch
Enforcement Case Screening and Recommendation
Worksheet
(Enforcement Confidential - Do Not Release Under FOIA)

INSTRUCTIONS In response to a detected violation or set of detected violations, EPA enforcement staff may find completion of this checklist useful in prioritizing cases for formal enforcement action. Even if a violator has received or requested compliance assistance, the violations may still merit the initiation of a formal enforcement action.

LEA Name: Upshur County Schools Address: Buckhannon Upshur High School 50 B.U. Drive City, State, Zip Code: Buckhannon, WV 26201	File Number: N/A Inspection Date(s): March 3, 2011 Violation Date: N/A Projected Quarter: N/A	Inspector: Herb Hilleary WV Case Reviewer: N/A ORC Contact: N/A	Statute: <input type="checkbox"/> FIFRA <input type="checkbox"/> CAA NESHAPs <input checked="" type="checkbox"/> <u>TSCA AHERA</u> <input type="checkbox"/> TSCA ASHARA <input type="checkbox"/> TSCA MAP
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Were any violations observed during inspection / case review? ☐ Yes (continue) ☒ No (close out)

Inspection Summary:

Summarize key issues and violations found in the inspection report(s). Include the names addresses and telephone numbers of EPA and State inspectors that participated in the inspection. In FIFRA cases where there were no state or federal inspections describe in detail how evidence was gathered and how violations were determined. (Attach copies of all relevant inspection reports.) Self-Disclosure? ☐ Yes ☐ No

On March 3, 2011 an AHERA inspection was conducted by the State of West Virginia Department of Health and Human Resources at the Buckhannon Upshur High School; Upshur County Schools; no violations of AHERA were noted.

Detailed Description of Violations:

List each alleged violation citing the applicable statute and/or regulation. Describe how each violation was determined. List in detail the information in our possession that supports the fact that a violation(s) has occurred. Discuss in detail how the statute and /or regulations in question are applicable to the alleged violator. For example: does the violator/facility meet the definition of facility, does the case meet any threshold requirements for there to be a violation, etc.) Discuss how the alleged violation(s) are not subject to applicable exclusions found in the regulations or applicable policy. Describe whether there has been an actual exposure to, or is there a substantial likelihood of exposure to pesticides/ asbestos that resulted from or may result from action taken or not taken by the alleged violator. Are the violation(s) continuing? Identify the source(s) of this information. (Attach copies of supporting documentation.)

Applicable violations noted: NONE

Compliance History.

Provide a description of the compliance history of the violator or facility, including repeat violations. Describe instances of non-compliance with FIFRA, CAA or TSCA activities. Also describe instances of non-FIFRA, CAA or TSCA non-compliance if there is a relevant link between the FIFRA, CAA or TSCA, and non-FIFRA, CAA or TSCA non-compliance.

N/A

Ownership Information:

Provide information that supports that the party being cited for violations is the proper entity to receive the proposed enforcement action. This may include information on the facility ownership, The correct names of the contractors involved or other relevant information. (D&B reports and deed and title search information may provide this information.)

N/A

Financial Status of Facility Owner /Operator.

Provide a brief description of the violator's financial status as currently available. This can be obtained through responses

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to information requests, Dun & Bradstreet reports, etc. (Attach copies of supporting information)

N/A

Other Considerations

Provide a brief description Are there any apparent knowing, willful or negligent conduct by the company or any individual employed by the company? ☐ Yes ☒ No

Are there known or suspected violation(s) of other regulatory requirements? ☐ Yes ☒ No

Does this case have multi-media potential? ☐ Yes ☒ No

Penalty Calculation and Justification

List for each violation a proposed penalty for that violation. Provide a brief narrative on how this penalty amount was determined and what assumptions and judgments regarding the evidence and the severity of the violation(s) were made? Include an economic benefit component if appropriate? (Attach penalty calculation sheets.)

N/A

Penalty Only/Injunctive Relief

Is this a penalty only case or are there specific tasks that must be completed by the violator for the facility to return to compliance. Please describe.

N/A

What is the recommended enforcement response?

- ☐ Advisory Letter
- ☐ Administrative Order
- ☐ APO
- ☒ Close
- ☐ Criminal Referral
- ☐ Judicial Referral
- ☐ NOV/NOW/NON
- ☐ Stop Sale Order
- ☐ Refer to State
- ☐ Refer to Other Region
- ☐ Other
- ☐ Show Cause/Super CAFO

TIER I Decision Date: N/A

- ☐ Advisory Letter
- ☐ Administrative Order
- ☐ APO
- ☐ Close
- ☐ Criminal Referral
- ☐ Judicial Referral
- ☐ NOV/NOW/NON
- ☐ SSURO
- ☐ Refer to State
- ☐ Refer to Other Region
- ☐ Other
- ☐ Show Cause/Super CAFO

Case Reviewer: Kyla Townsend-McIntyre

Date: 09/24/2012

Enforcement Coordinator: K. Townsend-McIntyre

Date: 09/26/2012

Branch Chief: Fatima El Abdaoui

Date:

¹ This is a pre-decisional document protected by the deliberative process and attorney work product privileges (and may also be privileged as attorney-client communication). Conclusions or recommendations are intended solely as primary information for government personnel. This worksheet contains tentative conclusions and staff-level recommendations and does not create any rights, or procedural, or defenses, as they are not binding on the Agency or the Department of Justice.